IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1462 OF 1992

Gangaram Mallappa Nitkar .. Petitioner.
Vs.
Sou.Satyabhamabai w/o
Kashinath Shelavane & Anr. .. Respondents.

None for the petitioner.
None for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 15TH SEPTEMBER, 2006

P.C.:

. None present for the parties.

2. This petition is directed against the order dated 12th February, 1992 by which civil miscellaneous appeal no.168/1991 was allowed. The operative part of the order dated 12th February, 1992 reads thus:

> "(a) The appeal is allowed. The order passed by the trial Court below Exh.5 is hereby set aside.
> (b) The respondent-defendant no.1 is directed to remove the tin-shed cosntructed by him in City Survey No.3510 on or before 20th February, 1992.
> (c) Issue attachment order of tin-sheets utilised for said shed erected on City S.No.3510.
> (d) After attachment, all these tin-sheets be given in the custody of the appellant-plaintiff with the list.
> (e) The attachment order will remain in force for one year i.e. since attachment.
> (f) The respondent-defendant no.1 is restrained from carrying out construction in the suit property till decision of the suit.
> (g) In case of breach of this order, the attached property is liable for sale and the sale proceeds of the same are to be paid to

the appellant-plaintiff as compensation. (h) Costs to be the cost in the cause."

3. This court while issuing the rule granted interim stay of clauses (b) to (e) of the aforesaid operative part of the order. The interim stay is running in favour of the petitioner since April, 1992. It is not clear whether the regular civil suit no.456 of 1991 is still pending. When the petition was called out none appeared for the parties. Considering the overall facts and circumstances of the case I am satisfied that this petition can be disposed of by the following order:

(a) The trial Court shall dispose of regular civil suit no.456 of 1991, if not disposed of already, as expeditiously as possible and preferrably within a period of six months from the date of receipt of this order on merits in accordance with law and without being influenced by the orders passed in the proceedings arising from Exhibit-5 application.

(b) The interim stay that was granted on 10.4.1992 by this Court to remain operative till the disposal of the suit.

. Rule is, accordingly, disposed of. No costs.

(D.B.Bhosale, J.)